UNITED STATES PATENT AND TRADEMARK OFFICE

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09/683,660	01/31/2002	Jill Alese Cleary	109.0026	1469

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 March 2008*.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-19* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   In view of the Appeal Brief filed on **3/03/08**, PROSECUTION IS HEREBY

REOPENED.

To avoid abandonment of the application, appellant must exercise one of the

following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply

under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed

by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and

appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth

in 37 CFR 41.20 have been increased since they were previously paid, then appellant

must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by

signing below:

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-19** are rejected under 35 U.S.C. 103 (a) as being unpatentable over

Tengel et al (5,940,812) in view of *Guy* et al (2005/0154664).

    As per claim 1, *Tengel* discloses a system for managing and reporting

mortgage delinquency information, comprising:

    a delinquency information database (see **Fig.1**, and **col.5,** line 3-11; via

Database **110**, global network and the server terminal includes credit bureau interface

114 and data processor **112**) for receiving, storing and maintaining mortgage

delinquency information entries, each mortgage delinquency information entry

comprising information identifying and providing relevant details about a delinquent

mortgage, including information identifying a property for which a mortgage is in a

delinquent status and information identifying the nature and status of the delinquency

(**Col.5,** line 63-67; via a mortgage delinquency entry **314** specifying minimum/maximum

number of current delinquencies and **Col.6**, lines 12-13 ; via entries **303** and **308** are

related to payment performance of a borrower and see **Figs 3A--3B** and **10**); and

    a delinquency information manager operative to retrieve delinquency information

entries from the delinquency information database, the delinquency manager being

accessible to a user computer through a publicly accessible network, the delinquency

information manager presenting one of a number of a selectable interfaces upon

selection by the user to allow the user to transmit delinquency information from the user

computer through the publicly accessible network, the selection of interfaces including a

form for creation and transmission of new delinquency information entries, creation of

each new delinquency information entry resulting in transmission of an initial report of

delinquency of a specified mortgage from a mortgage servicer to a mortgage insurer, a form for modification of previously submitted delinquency information entries and an interface for identification and uploading of a file containing delinquency information, the delinquency information manager being operative to format the delinquency information and store it in the delinquency information database in the form of delinquency information entries after the delinquency information is received from the user computer (**Fig.3** and **Col.7,** lines 1-17, via form **300** of 3A and 3B is displayed as web page by web browser based on HTML to complete the form with implied delinquency data entry to supply information and obtain information from the system to make initial report from mortgage servicer to insurer).

However, *Tengel* fails to disclose explicitly the information identifying a property for which a mortgage is in a delinquent status and information identifying the nature and status of the delinquency. But **Guy** in the same field of invention discloses that the information identifying a property for which a mortgage is in a delinquent status and information identifying the nature and status of the delinquency (**para 0172**, lines 1-5; via listing by creditor name, account number, and reported late payment date and para 0178-0182; via severity of delinquency).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure and features taught by *Tengel* to include the disclosure and features disclosed by *Guy* to facilitate the user to mark a check box to accurately identifying and reporting delinquencies.

As per claim 2, *Tengel* discloses the system comprising a mortgage administration server and wherein the delinquency information manager is operative to transmit delinquency information server to the mortgage administration server upon a command by the user to the delinquency information manager to transmit the delinquency information (**col. 2**, lines 25-68; via database, servers with global network and **col.3**, lines 28-38; via lenders and borrowers and credit bureau for delinquency information).

As per claim 3, *Tengel* discloses the delinquency information manager transmits the delinquency information to the mortgage administration server by retrieving designated delinquency information entries from the delinquency information database and transmitting them to the mortgage administration server, (**col. 2**, lines 25-68; via database, servers with global network and **col.3**, lines 28-38; via lenders and borrowers and credit bureau for delinquency information entry).

As per claim 4, *Tengel* discloses the mortgage administration server hosts a mortgage administration manager operative to receive and process delinquency information entries from the delinquency information manager (**col. 2**, lines 25-68; via database, servers with global network and **col.3**, lines 28-38; via lenders and borrowers and credit bureau for delinquency information process and entry records).

As per claim 5, *Tengel* discloses a mortgage information database for storing delinquency information entries received by the mortgage administration manager, (**col. 2**, lines 25-68; via database, servers with global network and **col.3**, lines 28-38; via

lenders and borrowers and credit bureau for delinquency information process, entry records and storing).

As per clam 6-7, *Tengel* fails to disclose the system, wherein each delinquency entry and each mortgage information entry identifies a servicer who is servicing a mortgage identified by the entry and the delinquency information manager allows access to delinquency information entries only to authorized users associated with servicers identified in the entries.

However, **Guy** being in the same field of invention discloses the system, wherein each delinquency entry and each mortgage information entry identifies a servicer who is servicing a mortgage identified by the entry and the delinquency information manager allows access to delinquency information entries only to authorized users associated with servicers identified in the entries (**para 0039**; via a user [servicer] using browser **62** to initiate the process of delinquency entry and report though validation module**104** to get authorized).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure and features mentioned by **Tengel** to include the disclosure and features as taught by **Guy** to facilitate the user[servicer] to be authorized as a servicer to access to delinquency entry system.

As per claim 8, *Tengel* discloses the system, wherein one or more of the interfaces presented to the user by the delinquency information manager are hypertext pages (**Col.7**, lines 5-19; via HTML);

As per claim 9, *Tengel* discloses the system, wherein one interface available to a user comprises a list of entry descriptions, each entry description identifying a delinquency information entry previously stored by the user and wherein each entry description includes a hypertext link (**Col.7**, lines 5-19; via HTML).

As per claim 10, *Tengel* discloses the forms for creation and modification of delinquency information are hypertext pages including fields and commands for entry and modification of the information and commands for storing of the information, (**Fig. 3A-3B and 10**);

As per claim 11, *Tengel* discloses the system, wherein the publicly accessible network is the Internet (**col.2,** line 28; via Internet).

As per claim 12, *Tengel* discloses the system, wherein, the delinquency information manager is operative to periodically compare delinquency information entries in the delinquency information database to corresponding mortgage information entries in the mortgage information database to determine if the corresponding entries mortgage information entries are more current than the delinquency information entries and, if so, to update the delinquency information entries to reflect more current information in the mortgage information entries (**col.5**, lines 52-65; via open trade envy **311** to "current mortgage delinquency" entry **314** inherently updating delinquency entries).

As per claim 13, *Tengel* discloses a method of mortgage delinquency management, comprising the steps of:

establishing a connection with a user computer through a publicly accessible network (**col.4** lines 65-67 and **col.5**; lines 1-2; via consumer [users] terminals, public networks, remote located computers and Internet);

upon presentation of authentication information associated with the account, allowing access by the user computer to an electronic data storage area and allowing retrieval from the electronic data storage area of new or updated entries identified with the account (**Fig.3A-3B**; via payment performance related to mortgage delinquency inherent with account and credit records in database in **Fig.1** and **col.5**, lines 1-11; via computer, servers and database **110** as all are electronic system)

upon commands and selections received from a user through the user computer, presenting one or more interfaces to the user to allow creation, review, modification and storage of delinquency information entries, <u>including information identifying a property for which a mortgage is in a delinquent status and information identifying the nature and status of the delinquency</u>, each delinquency information entry including delinquency information identifying and providing relevant details about a mortgage associated with the servicing entity, <u>creation of a new delinquency information entry resulting in transmission of initial notification of a delinquency to a mortgage insurer,</u> at least one interface allowing identification and upload of a file from the user computer (**Col.5,** lines 63-67; via a mortgage delinquency entry **314** specifying minimum/maximum number of current delinquencies and **Col.6**, lines 12-13 ; via entries **303** and **308** are related to payment performance of a borrower and see **Figs 3A--3B** and **10)** ;

upon receiving one or more delinquency information entries from the user computer and receiving a command to store the delinquency information entries, storing the delinquency information entries in the electronic data storage area (**Col.4**, line s 65-; via consumer terminals, public access and remotely located computers, **Fig.1 & 3** and **col.7,** lines 1-17, via form **300** of 3A and 3B is displayed as web page by web browser based on HTML to complete the form with implied delinquency data entry to supply information and obtain information from the system to make initial report).

However, *Tengel* fails explicitly to disclose the step of establishing an account identifying a mortgage servicing entry. But *Guy* being in the same field of invention discloses the step of establishing an account identifying a mortgage servicing entry (**Fig.2**; via User Account Database **110** and para 0006, line 8 via account inherently established for mortgage and monitoring delinquency and with records and reports).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosures and features mentioned by *Tengel* to include the disclosure and features as taught by **Guy** to facilitate the Accounting Engine **103** for transaction and Monitoring Module **112** , Credit Report Database**108** inherently implied mortgage delinquency entry system).

Tengel   fails also to disclose explicitly <u>the information identifying a property for which a mortgage is in a delinquent status and information identifying the nature and status of the delinquency.</u>

However**, Guy** in the same field of invention discloses that the information identifying a property for which a mortgage is in a delinquent status and information

identifying the nature and status of the delinquency (**para 0172**, lines 1-5; via listing by creditor name, account number, and reported late payment date and para 0178-0182; via severity of delinquency).

Therefore, it would have been obvious to an ordinary skill in the art at the time of invention was made to modify the disclosure and features taught by **Tengel** to include the disclosure and features disclosed by **Guy** to facilitate the user to mark a check box to accurately identifying and reporting delinquencies.

As per claim 14, *Tengel* discloses the electronic data storage area is a delinquency information database hosted on a delinquency information server (**Fig.1**; via Server terminal **109** inherently contains all credit records including delinquency information).

As per claim 15, *Tengel* discloses a steps of transferring information in the delinquency information entries from the delinquency information database to a mortgage information database from which the information contained in the delinquency information entries is accessible to users associated with a mortgage insurance provider (**col.4**, line 65; consumer terminals[users] and line 28; via other entity [mortgage insurance]).

As per claim 16, *Tengel* discloses a step of updating the information in the mortgage information database in response to commands and data received from users associated with the mortgage insurance provider (**col.5,** line 45-68; via credit limit entry **309** to aggregate utilization entry **311** and **314** inherently provide the results of credit record entries).

As per claim 17, *Tengel* discloses a step of periodically comparing the information in the mortgage information database against equivalent information in the delinquency information database and updating the information in the delinquency information database with more current information from the mortgage information database, (**Fig.2A**; via comparing borrower attributes inherently implied also with credit monitorin, delinquency information and entry records in the database).

As per claim 18, *Tengel* discloses the interfaces are hypertext pages (**col.7**, lines 6-19; via the form **300** displayed on web page by web browser based on **HTML**).

As per claim 19, *Tengel* discloses the step of presenting interfaces to the user includes presenting a list of entry descriptions, each entry description identifying a delinquency information entry previously stored by the user and wherein each entry description includes a hypertext link which can be activated by the user and wherein the delinquency information manager displays details of the entry identified by the entry description upon activation of the hypertext link, (**Figs** 3A-3B and 10 and **col.7**, lines 1-20; via form **300** displayed as a web page based on an HTML).

Response to Arguments

4.   Applicant's arguments with respect to **claims 1-19** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

     Heffner et al (2003/0, 018,558 A1) discloses about servicing of loan related to delinquency.

     Acosta et al (US 6,643,625 B1) discloses loan service records and delinquency.

     Atkins (5,852811) discloses about the loan accounts are unbalanced due to delinquency.

     Martin et al (6,304,860) discloses an automated Debt payment System and Method Using ATM network.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to HATEM M ALI whose telephone number is (571)270-3021. The examiner can normally be reached on 8.00 to 6.00.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mohamed H Ali   /Kambiz Abdi/
Examiner   Supervisory Patent Examiner,
Art Unit 3692   Art Unit 3692